



June 21, 2005

House Government Operations Committee
Lansing, Michigan

Re: HB 4617 – Public notice of contaminated property

Dear Committee members:

The Michigan Environmental Council has been involved with the development and refinement of the state's environmental cleanup program since its inception in 1990. Our cleanup program is based on simple premise that someone who contaminates someone else's private property has a duty to clean it up.

The basic design of the statute is that the duty to address contaminated property flows from the property's designation as a "facility". If a parcel is not designated a facility, the responsible party has no duty to clean it up. The designation also is designed to protect buyers from unknowingly purchasing contaminated property.

The Michigan Environmental Council has the following serious concerns with HB 4617 (H-2):

- It jeopardizes public health by allowing the sale of contaminated property to unknowing buyers even when the seller has knowledge of the possible contamination.
- Fails to protect property rights in Michigan by allowing people to contaminate private property and avoid having to clean it up.
- Attempt to switch the burden from the responsible party to the state to engage property owners whose property has been contaminated.
- It prevents the MDEQ from protecting public health by limiting their access to potential contaminated properties.
- Requires the department to incorporate scientific studies into cleanup standards that may or may not be credible and relevant to the decision being made.

The Michigan Environmental Council request the committee oppose HB 4617.

Sincerely,


James Clift, Policy Director

Michigan Environmental Council, A Coalition of Organizations Protecting Michigan's People and the Environment

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